

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12629-RWZ

USGEN NEW ENGLAND, INC., a
Subsidiary of NATIONAL ENERGY &
GAS & GAS TRANSMISSION, INC.,
f/k/a PG&E NATIONAL ENERGY
GROUP, INC.,

Plaintiff,

v.

BENTLY PRESSURIZED BEARING
COMPANY, f/k/a BENTLY NEVADA
CORPORATION,

Defendant

ASSENTED TO MOTION TO EXTEND
DISCOVERY AND RELATED
DEADLINES

The above-captioned parties, USGen New England, Inc., a subsidiary of National Energy & Gas Transmission, Inc., f/k/a PG&E National Energy Group, Inc. ("USGen") and Bently Pressurized Bearing Company, f/k/a Bently Nevada Corporation ("Bently") hereby move this court to extend the discovery and related deadlines in this matter by ninety (90) days as a result of several events which have unexpectedly delayed the orderly progress and completion of discovery. The current Scheduling Order calls for the conclusion of fact discovery by November 18, 2005, and for conclusion of expert discovery by January 11, 2006. Due to delays occasioned by the evacuation of the City of Houston, Texas (where Plaintiff's counsel is located and where Plaintiff's documents were being prepared for production); the negotiation with third party witnesses over compliance with out-of-state Subpoenas, and the preparation and execution of confidentiality agreements governing production of documents containing allegedly proprietary material, the parties respectfully request that the fact and expert discovery deadlines be extended, respectively, to February 16, 2006 and April 12, 2006. Counsel for both parties have cooperated

with each other and, out of professional courtesy, would like to extend these deadlines so as not to unfairly inconvenience or compromise each other's ability to develop his case.

The parties do not anticipate that a further extension of these deadlines will be necessary.

In accordance with these proposed amended discovery deadlines, the parties respectfully request a commensurate continuance of the Status Conference to April 13, 2006, and an extension of the Summary Judgment deadline to May 18, 2006, or to such other dates as may be convenient for the Court.

WHEREFORE, the parties in this matter move the Court to extend the discovery deadlines as set forth above to February 16, 2006 (for fact discovery), and April 12, 2006 (for expert discovery); and to continue the Scheduling Conference and the Summary Judgment deadlines to April 13, 2006 and May 18, 2006, respectively.

USGEN NEW ENGLAND, INC., a subsidiary
of NATIONAL ENERGY & GAS
TRANSMISSION, INC., f/k/a PG&E
NATIONAL ENERGY GROUP, INC.,

By its Attorneys,
DONATO, MINX & BROWN

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BENTLY PRESSURIZED BEARING
COMPANY, f/k/a BENTLY NEVADA
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